



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during April 2013
DISTRIBUTED: May 20, 2013

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Land:

Neil Casa, Sanford, Maine. Neil Casa ("Casa") violated Maine's *Natural Resources Protection Act* by expanding an existing retaining wall approximately ten inches into a great pond through the construction of a new horizontal footer without first obtaining a permit from the Department. To resolve the violation, Casa agreed to submit an after-the-fact ("ATF") *Natural Resources Protection Act* permit application for the horizontal footer and comply with the ATF permit if approved, or submit a restoration plan and remove the footer if the permit application is denied, returned, withdrawn, or not submitted. In addition, Casa paid \$3,048 as a civil monetary penalty, according to a payment schedule.

Park North Development, LLC, Saco, Maine. Park North Development, LLC ("Park North") violated Maine's *Erosion and Sedimentation Control* law, and provisions of two permits issued by the Department under Maine's *Site Location of Development* law by failing to follow erosion and sedimentation control plans submitted and approved as part of the permits, during the development of a commercial and mixed use subdivision. In addition, Park North discharged or caused to be discharged pollutants to waters of the State without first obtaining a permit from the Department. Specifically, Park North: failed to install sufficient erosion and sedimentation controls; failed to either construct necessary stone check dams, make necessary repairs to the dams, or use properly-sized stone in the dams; failed to either install temporary stabilization or installed deficient temporary stabilization; failed to stabilize soils; failed to prevent turbid water flows; failed to contain and treat water flows; and failed to prevent turbid discharges into waters of the State. To resolve the violations, Park North will pay \$15,600 as a civil monetary penalty, according to a payment schedule.

Solid Waste:

John Bartlett d/b/a Bartlett's Farm Services, Inc., Eliot Maine. John Bartlett ("Bartlett") violated Maine's Solid Waste Management Rules, *Composting Facilities*, by: accepting 88,000 gallons of liquid fish and/or grease waste at the facility without a license; accepting wallboard without a license; retaining bagged leaves and pre-ground paper onsite longer than two years; and retaining bales of waxed cardboard that have deteriorated and are no longer suitable for the intended use. Bartlett violated Maine's Solid Waste Management Rules, *Agronomic Utilization of Residuals*, by incorporating eggshells into the finished compost for land application without a license issue by the Department for agronomic utilization of eggshells. Bartlett violated Maine's Solid Waste Management Rules, *Processing Facilities*, by establishing a solid waste processing facility for grinding wood and manufacturing dyed mulch without a license. Bartlett violated Maine's Solid Waste Management Rules, *General Provisions*, by not complying with applicable operating rules, not paying annual license and reporting fees, and not complying with annual facility reporting rules. Subsequent to Department involvement, Bartlett performed the following corrective actions: ceased accepting liquid fish waste and grease, wallboard and eggshells, and indicated to the Department that a lockable chain will be utilized when the site is unattended. To resolve the violations, Bartlett has agreed to file a complete application with the Department for a One Time or Pilot Residual Utilization Activity license for utilization of wallboard on the site; file all past due annual reports; pay all past due licensing and reporting fees;



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apply to the Department for a Minor Revision to the facility's license to permit wood waste processing in accordance with the Department's rules; incorporate all existing eggshell waste onsite into the facility composting process in a manner that does not create nuisance odors or otherwise compromise the thermophilic composting processes utilized at the site; compost all remaining leaves and pre-ground paper; and ground and compost baled waxed cardboard or dispose of baled waxed cardboard at a facility licensed to receive such waste. In addition, Barrett agreed to pay \$15,800 as a civil monetary penalty, all of which is suspended and will be permanently waived in identified increments if Barrett complies with specified requirements of the agreement.

Water:

Town of Wiscasset, Wiscasset, Maine. The Town of Wiscasset ("Wiscasset") violated the terms of its Department-issued waste discharge license ("WDL") and Maine's *Protection and Improvement of Waters* law by: exceeding its license limit for Settleable Solids on one occasion in 2011; exceeding its license limit for Total Residual Chlorine on one occasion in 2006; exceeding its license limits for daily maximum concentrations of fecal coliform bacteria on five occasions between 2006 and 2012; failing to repair a sampling hose for the facility's effluent composite sampler that broke in May 2011 until October 2011 and failing to notify the Department of the malfunction until March 2012; reporting results of single grab samples rather than composite samples, as required by its license, while the effluent sampler was out of service; and testing effluent samples using improper techniques on multiple occasions during 2011. Subsequent to Department involvement, Wiscasset took the following steps to address violations: wastewater treatment staff attended training, the facility's wet weather management plan was updated, Department-recommended lab methods and quality control measures were adopted, and corrected discharge monitoring reports were submitted to the Department. To resolve the violations, Wiscasset agreed to: implement proper sampling, reporting, and QA/QC practices in accordance with the terms of its WDL; review and update the facility's laboratory QA/QC manual to ensure sampling and analysis meet state and federal requirements; and submit to the Department the report of an evaluation of the disinfection system by an independent party that will include a plan and schedule for implementation of approved improvement projects. In addition, Wiscasset agreed to pay \$16,000 as a civil monetary penalty, of which \$5,000 is suspended and will be permanently waived upon Wiscasset's submission and implementation of the independent evaluation report of the facility's disinfection system.

District Court Enforcement Resolutions (party followed by location):

Land:

State of Maine, Department of Environmental Protection v. Normand R. Jacques, Jr. and Aline L. Jacques Revocable Trust, Orland, Maine. Normand R. Jacques, Jr. ("Jacques") and Aline L. Jacques Revocable Trust ("Jacques Trust") violated Maine's *Natural Resources Protection Act* by performing or causing to be performed filling or displacing soils adjacent to a great pond without first obtaining a *Natural Resources Protection Act* permit. In addition, Jacques and Jacques Trust violated Maine's *Erosion and Sedimentation Control* law by conducting or causing to be conducted filling, displacing, or exposing soil without implementing sufficient erosion controls to prevent erosion beyond the project site or into a protected natural resource. Specifically, Jacques brought fill on to the Jacques Trust property to construct and reconstruct a gravel road and gravel pad. In constructing the gravel road and gravel pad soil was displaced and fill was placed adjacent to Toddy Pond. During a site inspection by Department staff, an erosion control barrier was in place, but it was not adequate in preventing soil from leaving the project site toward, but not into, Toddy Pond. To resolve the violations, in a Consent Decree and Order agreed to by the parties and approved by the court, Jacques and Jacques Trust agreed to immediately and continually maintain



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erosion and sedimentation controls on the Jacques Trust property until all disturbed areas are permanently stabilized and submit to the Department an after-the-fact application for a *Natural Resources Protection Act* permit for soil displacement and fill placed adjacent to Toddy Pond and comply with all terms of the permit if approved, or restore the area if the permit application is not submitted, denied, returned, or withdrawn. In addition, Jacques and Jacques Trust will pay \$3,580 as a civil monetary penalty, according to a payment schedule.